1 ORDINANCE O-2016-2 A BILL FOR AN ORDINANCE ADDING CHAPTER 16.28 OF THE LONGMONT 3 MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2015 EDITION OF THE 4 INTERNATIONAL SWIMMING POOL AND SPA CODE 5 6 THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS: 7 Section 1. International Swimming Pool and Spa Code Adopted. 8 The Council amends the Longmont Municipal Code by adding Chapter 16.28 to read as 9 follows: Chapter 16.28 – International Swimming Pool and Spa Code 10 11 16.28.010. - International Swimming Pool and Spa Code adopted. 12 Pursuant to Part 2 of Article 16 of Title 31, CRS, as amended, and Article 13 IV, Municipal Charter of the City of Longmont, Colorado, there is adopted as the pool and spa code of the City, by reference thereto, the International Swimming 14 Pool and Spa Code, 2015 Edition, published by the International Code Council, 15 16 Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, that code to have 17 the same force and effect as if set forth in this chapter in every particular, save 18 and except such portions as are added, amended, deleted, or replaced in this 19 chapter. All references in this code to the International Fuel Gas Code are to the 20 edition referenced above. 21 16.28.020. - Copies of Code—Filing for public inspection. 22 At the time of adoption, one copy of the International Swimming Pool and 23 Spa Code, published by the International Code Council Inc., certified to be a true 24 copy is on file in the office of the city clerk and may be inspected by any 25 interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through 26

Spa Code, published by the International Code Council Inc., certified to be a true copy is on file in the office of the city clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The city shall keep a copy of the adopted code in the office of the chief enforcement officer for public inspection. The building code, as finally adopted, is available for sale at the office of the city clerk, at a price reflecting cost to the city as established by the city manager, pursuant to this Municipal Code.

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16.28.030. - Section 101.1 amended—Title.

Section 101.1 of the International Swimming Pool and Spa Code is amended by insertion of "the City of Longmont" in the brackets.

<u>16.28.040.</u> - Section 105.5.1 amended—Approved construction documents.

Section 105.5.1 of the International Swimming Pool and Spa Code is amended by replacing the first sentence with the following:

When the building official issues a permit, the construction documents shall be approved in writing or by a stamp which states "APPROVED AS NOTED." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of the work and shall be open to inspection by the building official or his or her authorized representative.

16.28.050. - Section 105.6.2 amended—Fee schedule.

Section 105.6.2 of the International Swimming Pool and Spa Code is amended by the addition of the following:

The fee for any permit required by this code shall be established from time to time by resolution of the city council.

16.28.060. - Section 105.6.3 replace—Fee refunds.

Section 105.6.3 of the International Swimming Pool and Spa Code is deleted in its entirety and replaced with the following:

The building official shall refund any fee paid hereunder which was erroneously paid or collected. Where no work has been done under a permit, the permittee may forfeit the permit and receive a refund of 80 percent of the permit fee paid. Where an applicant has paid a plan review fee for a permit under this chapter, and then withdrawn or canceled the application before plan review concluded, the building official shall refund the applicant 80 percent of the plan review fee paid, less any City expenses for plan review by an outside consultant. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of the fee payment.

1	16.28.070 Section 107 replaced—Violations.
2	Sections 107.1 through 107.4 of the International Swimming Pool and Spa
3	Code are deleted and replaced with the following:
4	107.1 Unlawful acts. It is unlawful for any person to erect, install, alter,
5	repair, relocate, add to, replace, demolish, use, occupy or maintain any building or
6	structure, or cause or permit the same to be done, in violation of this code.
7	107.2 Notice of violation. Any person committing or permitting a
8	violation of this code commits a separate offense for each day or part of a day
9	during which the violation exists. Offenses are punishable according to Chapter
10	1.12 of the Longmont Municipal Code.
11	107.3 Prosecution of violation. In addition to any other penalties, any
12	violation of this code is a public nuisance and shall be enjoined by a court of
13	competent jurisdiction. Nothing in this code shall prevent the city attorney from
14	seeking appropriate legal or equitable relief from any court of competent
15	jurisdiction.
16	107.4 Violation, penalties. Imposition of one penalty for any violation
17	shall not excuse the violation nor permit it to continue, and all such persons shall
18	correct or remedy such violations or defect within a reasonable time.
19	16.28.080 Section 108 replaced—Means of appeal.
20	Section 108 of the International Swimming Pool and Spa Code is deleted
21	in its entirety and replaced with the following:
22	108.1 Application for appeal. For provisions relating to the board of
23	appeals, see chapter 16.30 of the Longmont Municipal Code.
24	16.28.090 Section 301.1.3. amended—Covers.
25	Section 301.1.3 of the International Swimming Pool and Spa Code is
26	amended by deleting sentence one and inserting the following:
27	Outdoor heated pools and outdoor spas heated to 90 degrees Fahrenheit or
28	higher shall be provided with a vapor-retardant cover.
29	16.28.100 Section 304.1 replaced—General.
30	Section R304.1 of the International Swimming Pool and Spa Code is
31	deleted in its entirety and replaced with the following:

1	See chapter 20 of the Longmont Municipal Code for provisions regarding
2	flood hazard areas.
3	16.28.110 Section 306.4 replaced—Deck steps handrail required.
4	Section R306.4 of the International Swimming Pool and Spa Code is
5	deleted in its entirety and replaced with the following:
6	See the International Building Code or International Residential Code for
7	handrail and guardrail requirements.
8	Section 2. Validity.
9	To the extent only that they conflict with this ordinance, the council repeals any
10	conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and
11	invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance
12	Neither the adoption of this ordinance nor its action repealing or amending any other ordinance
13	of the City of Longmont shall in any manner affect prosecution for violations of ordinances
14	committed before the effective date of this ordinance. This ordinance shall not waive any
15	license, fee or penalty due and unpaid under pre-existing ordinances on its effective date. This
16	ordinance shall not affect any pre-existing ordinances on the collection of any license, fee or
17	penalty, or the penal provisions applicable to any violation thereof. This ordinance shall no
18	affect the validity of any bond or cash deposit required under any ordinance. All rights and
19	obligations under such security shall continue in full force and effect.
20	Section 3. Effective Date.
21	This ordinance shall be effective beginning on January 1, 2016.
22	Introduced this day of, 2015.
23	Passed and adopted this day of, 2016.
24 25 26 27	MAYOR
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30 31 32 33	ATTEST:
34	CITY CLERK

l NO	OTICE: THE COUNCIL WILL HOLD A PUBI	LIC HEARING ON THIS	ORDIN	NANC	CE AT
2 7:0	00 P.M. ON THE DAY OF		2016,	IN	THE
	ONGMONT COUNCIL CHAMBERS.				
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AS	SSISTANT CITY ATTORNEY	DATE			
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Αŀ	PPROVED AS TO FORM AND SUBSTANCE:				
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